

Office symbol

Date

MEMORANDUM FOR REGIONAL CONTRACTING OFFICE, BENELUX, UNIT
8100, Box 15, APO AE 09714-9998

**SUBJECT : JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND
OPEN COMPETITION**

1. in a total amount of
Vendor :
2. *A description of supplies or services required to meet the customer's needs (including the proposed contractor and estimated value).* State exactly what you want to purchase and make sure it correlates with the description on the purchase request. Provide background information on your requirement, including the frequency of your requirement. This information helps the contracting officer to understand the criticality of what you are purchasing. Elaborate on what you are purchasing and how it fits into your mission.
3. *Statutory authority permitting other than full and open competition (choose one):*
 - a. 6.302-1 (10 USC 2304 (c)(1) or 41 USC 253(c)(1));
Only one responsible source will satisfy agency requirement
 - b. 6.302-2 (10 USC 2304 (c)(2) or 41 USC 253(c)(2));
Unusual and compelling urgency
 - c. 6.302-1 (10 USC 2304 (c)(3) or 41 USC 253(c)(3));
Industrial mobilization
 - d. 6.302-1 (10 USC 2304 (c)(4) or 41 USC 253(c)(4));
International agreement
 - e. 6.302-1 (10 USC 2304 (c)(5) or 41 USC 253(c)(5));
Authorized and required by statute
 - f. 6.302-1 (10 USC 2304 (c)(6) or 41 USC 253(c)(6));
National security
 - g. 6.302-1 (10 USC 2304 (c)(7) or 41 USC 253(c)(7));
Public interest
4. *Explain why the proposed contractor's unique qualifications or the nature of the acquisition requires the use of the authority cited.* State why only this product or

service will meet your mission requirements and the impact on your mission if not acquired. For example, failure to receive a specific product compatible to existing equipment would render hardware worth \$25,000 inoperable. Quality could likewise be addressed by stating what degradation would occur in the government product or service. Also, quantify the impact. Quantification makes for a much stronger justification and easier for all parties to understand. Provide a statement that the proposed sole source is the only known source that can satisfy the government's requirement. Statements such as "No other sources are considered qualified" shall not be considered a basis for sole source justification. Don't base a sole source on your satisfaction with an incumbent contractor. This basis will not withstand a GAO protest.

5. Describe efforts made to ensure offers are solicited from as many potential sources as is practicable. Also, describe the market research conducted and the results, or a statement of the reason market research was not conducted. You should explain why this is the only source which can supply the needed product, and how you determined this is the only available source. For example, who have you contacted? What literature did you review? What information did you obtain (trade magazines, contractor literature, trade shows)? You can contact a contractor during a market survey as long as you do not represent yourself as a buying agent for the government. Make it very clear you are conducting a market survey, do not give them advance information and do not tell them you have a requirement. You can always contact contracting in the planning stages and we might help you with your market survey by identifying potential sources.

6. Any other facts supporting the use of other than full and open competition :

7. Price submitted can be determined as fair and reasonable :

8. A statement of actions to be taken by the requiring activity to preclude the necessity for future sole source. What are you doing to avoid this again in the future for the same product? For example, you will keep current on technology changes in the market to allow for competition when equipment is replaced.

I certify that the facts and representation under my cognizance which are included in this J & A are accurate and complete to the best of my knowledge.

Name :
Title : Commander

Signature :

Date :

Based on the foregoing justification, I hereby approve the acquisition of the above cited items on an other than full and open competition basis pursuant to the authority of FAR 6.302.

Name :
Title : Contracting Officer

Signature :

Date :

